

IN THE UNITED STATES DISTRICT COURT
OR THE EASTERN DISTRICT OF CALIFORNIA

DONALD F. HOIRUP, JR., on his own)
behalf and on behalf of all persons)
similarly situated,)
Plaintiff,) 02:02-cv-0662-GEB-PAN (JFM)
v.) ORDER
PROFESSIONAL ENGINEERS IN)
CALIFORNIA GOVERNMENT,)
Defendant.)

)

On April 5, 2006, Plaintiff and Defendant filed a Joint Motion for Approval of Class Notice in which they request that Plaintiff's Proposed Notice of Motion For Award of Attorneys' Fees in Class Action be approved and that a briefing schedule be set for Plaintiff's motion for attorneys' fees that has not yet been filed.

Federal Rule of Civil Procedure 23(h) requires "[a] claim for award of attorney fees [in a class action] be made by motion under Rule 54(d)(2)." Rule 54(d)(2)(B) states the time for filing motions for attorneys' fees may be "provided by [] order of the court." An Order filed June 7, 2004, required the parties to file motions for attorneys' fees "no[] later than 30 days after all rights to appeal have expired, or been exhausted or abandoned." Plaintiff abandoned

1 his appeal on January 17, 2006. (See Mot. at 3.) Therefore,
2 Plaintiff had until February 17, 2006, to file a motion for attorneys'
3 fees; however, as of the date this Order was filed no such motion was
4 filed. Therefore, the motion is denied.

5 IT IS SO ORDERED.

6 Dated: June 5, 2006

7 /s/ Garland E. Burrell, Jr.
8 GARLAND E. BURRELL, JR.
9 United States District Judge

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